

Police Reform and Reinvention Collaborative Plan

Town of Highlands Police Department

Reinventing our Police Response



The Town of Highlands Police Department in conjunction with our community stakeholders and elected officials are proud to submit our plan for approval regarding the Executive Order 203. EO 203 as outlined by Governor Andrew Cuomo tasked every police department in New York State to create a Police Reform and Reinvention Collaborative. This document is our plan submitted for adoption by resolution to Town of Highlands Town Board.

The committee has met both in private and public to outline our plan for our community.

Our committee members are:

Mervin R. Livsey, Town Supervisor (Committee Chair)

Tyrone King, Town Councilman

M. Justin Rider, Town Attorney

Francis M Pierri, Town Police Chief

Hon. Stewart Rosenwasser, Orange County District Attorney's Office

COL. Evangeline G. Rosel, West Point Garrison Commander

Dr. Aundrea Matthews, Educator

Ms. Ann Molina, The Center

Ms. Doris Lent, Vision

Dr. Frank Sheboy, HFFMCSD Superintendent

Ms. Tammy Rhein, Orange County Mental Health/Director of Chemical Dependency Services

Pastor Karina Feliz, local pastor

Victor Cadet, O'Neill HS student/Member of the JROTC

Department Mission Statement

The principal mission statement of the Town of Highlands Police Department is to serve the community by protecting life and property, preventing crime, enforcing laws, and maintaining order for all citizens. It is essential for all members to remember that in the execution of our duties we act not for ourselves, but for the good of the citizens and perform our duties with truthfulness, enthusiasm, courage, discretion, allegiance and sound judgement.

In fulfilling our mission, we need support of citizens, elected representatives, government officials and the criminal justice system in order to provide the quality of service our values commit us to providing. We, the members of the Town of Highlands Police Department, are committed to the following values:

- Respect of laws and the Constitution
- Respect for the dignity of life
- Integrity
- Accountability
- Cooperation
- Loyalty

I. The Town of Highlands Police Department has the primary law enforcement responsibility for protection in Fort Montgomery, as well as parts of Bear Mountain and Highlands Falls.

II. What roles do we currently play in our community

a. Primary role and functions of the Town of Highlands Police Department (THPD) is:

- i. The Police Chief is the Chief Law enforcement officer for the jurisdiction.
- ii. The Deputy Police Chief is second in command.
- iii. The department does not currently have any other command supervisors.
- iv. The THPD's Mission Statement as stated above is to provide law enforcement services and to effectively maintain the general welfare and security of the citizens of their jurisdiction. This mission statement reflects all those who reside, work or travel through the community. In addition, to respond to all calls for police services, investigate criminal complaints and properly refer to other agencies that might be more suited to continue the investigation. Officers are to be committed to the response of those in need.
 1. Primary functions of the THPD officers in the community.
 - a. The primary activities of the THPD are described in its Mission Statement. The THPD engages in the following functions:
 - i. Patrol coverage and response to complaints within the jurisdiction.
 - ii. Complete investigations that patrol members are capable of handling.
 - iii. The THPD is and will continue to be invested in the community and be present at many public events that will bolster our involvement.

2. The role of a police officer in the Town of Highlands Police department is responding to 911 calls or any calls where a person is seeking police assistance for an emergency situation or is seeking simple advice.
 - a. All officers of the THPD answer 911 calls for service as dispatched by the Orange County 911 Center located in Goshen, New York (the “OC E 911”).
 - b. Occasionally officers are advised of a call for service via the Village of Highland Falls dispatch center. Going further, any calls received at their location would be relayed to the OC911 center for transmittal.

3. Proactive policing actions

- a. Members of the Town of Highlands Police Department engage in proactive self-initiated policing in a variety of ways. The primary function is the patrol division which enforces vehicle and traffic law violations and penal law offenses. In addition, state grant funds are used to enforce the use of seat belts, the violation of the speed limit, proactive and focused D.W.I. enforcement, broken up into three enforcement periods scheduled by Orange County STOP DWI, throughout the year
- b. Department members are required to conduct traffic posts on every shift to monitor speed and other vehicle and traffic violations that might occur. These traffic posts are mainly on the state highway. Officers can be deployed to areas where residents have made complaints. Three state highways are within the patrol area.
- c. One department member is assigned to the Orange County District Attorney’s Drug Task Force to conduct undercover narcotics investigations in conjunction with local police agencies.
- d. Department members also respond to assist other departments in the area when called upon. Not only police agencies but assistance is provided to the fire department and the ambulance corp. as needed.
- e. Though a part time department, the THPD patrols the community around the clock in four different shifts.
- f. The THPD are directed to areas for special or extra patrol as required for incidents in the response area. These areas are transmitted through department channels to alert all members of this need.
- g. The THPD officers can seek assistance via the county 311 number where they can receive advice via the phone of a specific situation of mental health. Additionally, staff members from the County can also respond to the officers needs in the field.

v. Grievances by the Community Directed at the THPD and Responsive Measures Employed

1. Currently the THPD relies on individuals who have a poor or questionable encounter with the police to contact the department directly to speak with the Chief or Deputy Chief
2. Civilian complaints are currently very low and usually stem from an encounter with the police at a traffic stop.
3. When a complaint is generated the Chief or Deputy Chief will investigate the complaint thoroughly.
4. The department currently has a web based form for anyone to print and fill out. There will be a new writable web based form for individuals to make any complaint via the web site. The complaints will be investigated as well and tracked internally.
5. This new writable form was an upgrade during this reform time frame. The form can also be used for those individuals who wish to report a positive encounter with an officer.

b. Deferral of Calls for Service to Appropriate Social Services Entities

i. Police Response to Mental Health Calls

1. Orange County’s current crisis services continuum provides both telephonic and in person response 24 hours per day, seven days per week, 365 days per year. Orange County’s Crisis Call Center (OCCCC) at 311 (1-800-832-1200), operated under the Orange County Department of Mental Health in partnership with the Mental Health Association in Orange County, Inc., Independent Living, Inc., and Access: Supports for Living, Inc., and is co-located with Emergency Services (911). OCCCC endeavors to provide the following non-police services to Orange County residents:

- a. Telephonic support, crisis intervention, assessment, practical assistance, and a friendly and personal connection to appropriate services for individuals, youth and families impacted by mental illness, substance use, and/or developmental disability;
 - b. Behavioral Health response by the Crisis Mobile Response Team (MRT) which provides in-person support including an assessment, intervention, crisis de-escalation, and connection to appropriate services, which can include referrals to peer supports that assist individuals to engage with services, help navigate the system, and provide on-going support;
 - c. Rape Crisis services.
2. Text4Teens
 - a. The Mental Health Association in Orange County, Inc., offers the Text4Teens Program which is available 24/7 by texting 845-391-1000.
 - b. Text4Teens connects young people in need of support for mental illness, substance use, developmental disability, sexual assault, and those in need of information and referrals to trained professionals.
 3. Members of the THPD answer calls for mental health issues as dispatched by OC E-911. The THPD's response to Mental Health calls are also directed by the General Order related to Mental Illness.
 4. The THPD is supportive of Crisis Intervention Training and currently has two members who have received the 40 hour course.
 5. The THPD will now become a department who reports those individual calls to the County Mental Health for follow up creating a partnership with those who need assistance and those who can provide it.
 6. The THPD will continue to train officers, when this training is available, in dealing with those who have mental health issues or who are in crisis.

ii. Police Response to Substance Abuse/Overdose calls

1. The THPD answers calls for overdoses and substance abuse calls for service as directed by OC E911. The THPD responds when the THVAC responds to these calls as well.
2. THPD officers deploy each shift with NARCAN and are retrained annually.
3. THPD officers are required to document the use of NARCAN.
4. THPD reports overdoses to the Orange County Crime Analysis Center.

iii. Police Response to calls to assist the Homeless

1. The THPD contacts the appropriate representative when encountering homeless individuals or those who seek shelter. The officer on patrol utilizes the County 311 line for assistance. During 2020 the 311 line was helpful when contacted for homeless issues. The THPD will continue this practice.
2. THPD officers will not leave an individual until they have offered or completed some type of assistance.
3. THPD officers who are encountering a problem assisting someone who is homeless will notify the on call duty Chief for assistance if needed.

c. Reduction of Violence by Redeploying Resources from Policing to Other Programs: Community Based Outreach and Violence Interruption

i. Youth Development Programs

- a. The Orange County Youth Bureau funds the programs in the county but currently the town is not supplemented by them. This could change with the community policing responsibility assigned to an officer. Grant opportunities will be explored going forward.
- b. The Town of Highlands has a full time recreation director who works closely with the community.
- c. The Town of Highlands Recreation is available to youth both in the town and the Village of Highlands Falls.
- d. Programs range from basketball, baseball, swim lessons, etc., and no youth is turned away due to financial issues.
- e. The Town recreation has a full staff of 18 counselors as well as 10 lifeguards at the height of their busy season.
- f. The newly formed Community Policing responsibility will assist when needed with recreation and referrals. THPD will become a partner to recreation when available and as needed.
- g. The creation of an officer with a community policing responsibility will allow more interaction with youth in a positive setting. Any officer who wishes to assist and become imbedded with the youth will be allowed.

ii. Parent Support Groups

1. Currently the THPD would reach out to the County of Orange for assistance in reference to these programs as there are none in this community. Some programs such as Big Brothers Big Sisters could be available.
2. The County of Orange has numerous programs and all officers in the future will have a complete list of these programs.
3. Officers could also be a source of support by keeping in touch with parents and monitoring issues associated with juveniles or family members.
4. THPD officers will assist in the referral to programs in the county.
5. Locally, *The Center* in Highland Falls will be a focus of the THPD to see what programs they have available as well. This will create an option locally for parents.

iii. Addressing Trauma and Preventing Violence at Home

1. The THPD does occasionally respond to family disputes and or domestic situations. These situations range in a variety of ways. When officers do encounter a situation, the officers fill out the appropriate department paperwork which will include the NYS Domestic Incident Report.
2. THPD officers have referrals they can make for those who are victims. Officers investigating these situations are required to hand out the FEARLESSHV pamphlets as well as the FEARLESSHV palm cards. Services listed below are referrals that officers can use.
 - a. Fearless HV (formerly Safe Homes of Orange County): Teen Dating Violence Prevention Program (TDVPP)
 - b. Fearless HV (formerly Safe Homes of Orange County): Summer Youth Leadership Academies
 - c. Fearless HV (formerly Safe Homes of Orange County): Safe Harbor Trafficking Prevention Program
 - d. Mental Health Association in Orange County, Inc.
 - i. Text4Teens
 - ii. Rape Crises Services
 - e. Orange County Crisis Intervention Training (CIT)
 - f. The Town of Highlands has two officers who are currently trained as CIT officers and could properly refer those who need assistance.
3. The officers of the THPD will be receiving additional training in the upcoming year to address these programs. Officers should know what programs are available to them to assist those who need a referral. Just preparing documentation without additional follow up does not lead to satisfactory outcomes for an individual or family. Our officers will follow up on these matters. Going forward we will create a partnership with our community which will include a follow up visit to see how their situations are progressing.

d. Community Policing Activities

- i. The Town of Highlands Police Department has a newly created responsibility for community policing and will also have a specific position for a community police officer which was brought about during the reforms. This is not a promotion but a responsibility. Currently one officer will be the point person for all community activities in addition to their patrol functions, but all officers will be expected to engage in community policing. This officer will have his/her photo and e-mail on the town wide web site. The THPD is committed to assist and partake in the activities associated with community policing. In addition to their patrol functions, this officer will coordinate with the following on his/her own or with neighboring organizations. At any time an officer from the THPD can assist and take on the responsibility as well. These events are:
 1. Annual National Night Out against crime. Either on their own or in conjunction with the Village of Highland Falls PD
 2. Trunk or Treat during Halloween.
 3. Seasonal festivities within the community such as the *Farmers Market* and *Fall Foilage* town wide event
 4. Meet when necessary with the Town of Highlands Recreation Director
 5. Coordinate and respond for any requests made by the Highland Falls Fort Montgomery Central School District
 6. Engage the community by placing themselves as a point of contact for functions occurring or for functions requested by the community such as being a guest speaker.

7. Coordinate when necessary with the Town of Highlands Recreation Director in functions occurring within the town for youth event.
8. All officers are aware of certain events via the school sports calendar sent by the James I O'Neill High School athletic department. These events are posted and Officers are required to visit sports events while on patrol and to be a positive presence at these events.
9. Stopping in to support community gatherings or places or functions at which the community comes together.

III. Orange County 911 Call Center – The dispatcher of the THPD units (Overview of the E911 Center)

- a. Construction, staffing and training at the 911 call center (as described by the OCSO plan)
 - i. Orange County Emergency Communications (911) is a division within the Orange County Department of Emergency Services, and is the primary Public Safety Answering Point (PSAP) for all of Orange County, New York. The Department is headed by a Commissioner who is overseen by the County Executive. Within the Division of Emergency Communications, certified (through IAED & APCO) Public Safety Dispatchers handle the task of call taking and dispatching calls received by 911. The Public Safety Dispatchers are overseen by the 911 Director of Operations, who is overseen by the Deputy Commissioner of Emergency Communications, who reports directly to the Commissioner for the Department of Emergency Services.
- b. **How are calls routed; how are these decisions made?**
 - i. The OC 911 Center receives calls for service and processes the call by interviewing the caller using a national protocol (IAED Emergency Medical Dispatch, Emergency Fire Dispatch, or Emergency Police Dispatch), then providing lifesaving instructions or other pre-arrival instructions, while emergency services are responding. The OC Center dispatches a “tiered response” in order to shorten the response time to emergencies. The tiered response includes the notification of law enforcement to all medical and/or fire type incidents. It is the up to the discretion of the notified law enforcement agency as to whether they respond to those types of calls. The Computer Aided Dispatch (CAD) System decides which agencies to notify based on appropriate jurisdiction, removing discretion from the Public Safety Dispatcher to decide who gets dispatched/notified.
 - ii. Orange County has a single dedicated crisis call center number 311. The Orange County Crisis Call Center is co-located with 911 call takers at the Emergency Services Building. The Crisis Call Center staff provide 24/7 clinical telephonic response for mental health, developmental disabilities and substance use disorders; and includes the ability to screen for substance use disorders, complete the NYS required LOCADTR tool to determine substance use disorder level of care, and schedule an appointment for individuals in need of treatment.
 - iii. The THPD will receive a call and be dispatched to it based on what is received from the caller to the OC911 dispatcher. The THPD will respond promptly to any calls for service.
- c. **Describe what social services support systems are available to the 911 Call Center in order to appropriately route calls for service. The THPD utilizes the services outlined.**
 - i. The OC 911 Center is also home to the Orange County Crisis Call Center (311). The Crisis Call Center stands ready to provide collaborative, professional, and peer telephone support/outreach, to anyone in need of emotional support, crisis intervention, or connection to social services. This is a valuable resource available to Orange County 911 with the push of a button.
 - ii. The Town of Highlands officers have used the (311) function to assist them in the past and will continue to use this service in the future when needed.
 - iii. This service is readily available to any department in the county and as our primary dispatcher we receive the benefits of the county dispatch center.
 - iv. The THPD has begun a Hope not Handcuffs program with an emphasis on diversion in conjunction with the Orange County District Attorney's Office.
 - v. The THPD will continue a partnership with Orange County Mental Health and the programs they provide.

IV. The Role of the THPD in Our Schools

- a. **Role of an SRO and the THPD**
 - i. The Orange County Sheriff's Office (the “OCSO”) has part-time School Safety Deputies assigned in the Highland Falls Fort Montgomery Central School District.
 - ii. These part time deputies are assigned at the Fort Montgomery Elementary School as well as James I O'Neill High School which fall within our police jurisdiction.
 - iii. The THPD still maintains the responsibility to respond to and check in at schools on a daily basis.
 - iv. Officers visit the school and sign in at the desk which logs their visits on their daily activity sheet. Officers are encouraged to walk in and around the high school on these visits.

- v. The THPD officers have been trained in the ALERRT (Active Law Enforcement Rapid Response Training) course and with such training can team with the OCSO at the school for a coordinated response to a call of school violence.
- vi. The Chief of Police has an open line of communication with the School Superintendent and school Principals.
- vii. The THPD is part of *Handle with Care* which brings the Police Chiefs of the Town of Highlands PD, Village of Highlands Falls PD and the West Point Military Academy Directorate of Emergency Services which oversees the Military Police together. It should be noted that due to COVID-19 there has been no meetings but we are committed to continue this committee, as each jurisdiction has children using the schools.

b. Role in the case of student misbehavior which may amount to a crime;

Where a crime or the possibility of a crime has occurred and is brought to the attention of the School Safety Deputy, such cases are turned over to the THPD. All incidents of a police matter that occur at the James I O'Neill High School and the Fort Montgomery Elementary School are reported to the THPD.

Officers are required to investigate these crimes and generate the appropriate blotter or case in the department computer system.

Situations that are out of the expertise of the THPD are referred to the New York State Police.

V. Staffing, Budgeting, and Equipping Your Police Department

- a. The Town of Highlands Police department has no full time employees but does provide around the clock police protection during a 24 hour period.
- b. The department has a B line, C line, D line and A line tour.
- c. Members of patrol pick on a monthly basis and are required to pick at least six shifts per month, and no more than two shifts per week in the initial monthly picks.
- d. Picks are done on a seniority basis.
- e. Members of the department are required to find a replacement for a shift that they cannot work
- f. The annual budget for the police department is prepared by the Chief of Police. The budget is then submitted to the Town Comptroller. After submitting the budget the Town Board calls for a public meeting where the Chief of Police will have to describe his budget and the areas outlined.
- g. The budget of the department is dictated by a budget year following the budget meetings.
- h. Equipment needed is purchased from the budget money provided.
- i. The THPD, when available, will solicit grant money for equipment when it is available.
- j. Currently the department is made up of the following
 - 1. 22 part-time employees at full staffing
 - 2. Command Staff
 - a. Chief of Police
 - b. Deputy Police Chief
 - c. Two with the rank of detective (Patrol duties)
 - d. Patrol positions account for 18 spots
 - e. There is a civilian secretary assigned to the department
(The Chiefs' secretary is available to assist in issuance of handicap permits at the station)

k. The THPD officers role in crowd control

- a. The Town of Highlands PD does not deploy ample manpower on each shift for situations such as crowd control and direction, though would respond if a call of that type was received.
- b. In a situation in our community we would rely on that officer to address those involved in a calm and reassuring voice and to assess the situation at hand.
- c. Officers do have basic training at the academy level for this purpose which is Crowd Control and Direction, a two hour block.
- d. THPD would call for assistance from the neighboring departments, the OCSO and the NYSP when a situation for extra manpower is needed.
- e. Members of the department can be called upon to assist in areas where large crowds have gathered at an incident or in a mutual aid capacity.
- f. Members will provide basic support at these situations.
- g. The THPD does not utilize any military style equipment nor do they accept any military style equipment for patrol.
- h. The THPD officers do deploy with a patrol rifle that they are trained on. Each vehicle has a ballistic style vest for officer safety.
- i. The THPD officers do deploy on patrol with Oleoresin Capsicum OC spray on their patrol belt.
- j. The THPD has a patrol area that includes the community, James I O'Neill High School, West Point Military Academy, West Point Preparatory School and the United States Mint at West Point. Officers could come to see crowds at these locations, and will call for mutual aid as needed.

VI. Smart and Effective Policing Standards and Strategies

- a. **Use of Force:** The THPD's Use of Force policy is reviewed annually, and addresses the use of chokeholds or similarly dangerous techniques and defensive tactics which would restrict breathing, with a focus on training to avoid the use of any more force than required by a particular situation.
 - i. THPD officers shall use the minimal amount of force, submission technique or combination of techniques to effectuate an arrest.
 - ii. The THPD does not teach or justify the use of any restraints used for the purpose of physical control which applies pressure to the throat or windpipe of a person in a manner that is intended to hinder breathing or reduce the intake of air.
 - iii. The use of any chokehold or similar techniques which may hinder or reduce the intake of air should only be employed where deadly physical force is justified.
 - iv. The THPD Use of Force policy is refreshed twice a year while officers are attending both spring and fall firearms training.
 - v. The THPD officers will undergo de-escalation training.
- b. **Pursuit:** the THPD General Order on its Pursuit Policy governs pursuits of vehicles by the officers. Currently our existing plan is in review, but the outcome will be to make sure the pursuit of any vehicle does not outweigh the danger to the community. There is no pursuit of motorcycles in the community who are violating the NYS Vehicle and Traffic law.
- c. **Duty to Intervene:** Any member of the department present and observing another officer using force that she or he reasonably believes to be clearly beyond that which is objectively reasonable shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- d. **Pretextual Stops and proactive policing:**
 - i. The THPD receives certified police officers from their respective academies who have been trained on issues surrounding pretextual vehicle and traffic stops and proactive policing measures. Some officers have completed a full academy and some a Phase One academy with acceptance to Phase Two. There are no sponsorships, all officers who are employed by the THPD are hired. The outcome is the same they must be certified prior to patrol. The issue of pretextual stops and proactive policing is stressed during the FTO period as well.
 - ii. The THPD does not have a call volume for every day encounters with citizens who are in the community, but interact with motorists during traffic stops
 - iii. The THPD patrols state highways 9W, 293, 218 as well as local roadways.
 - iv. Route 9W alone has been the source of numerous accidents with injuries and the occasional fatal accident as well.
 - v. THPD officers are encouraged to conduct traffic stops and traffic enforcement though no quota exists for officers. There is a request for traffic enforcement on every tour.
 - vi. There are occasional messages advising officers to be active in areas where there is an increase in accidents as well as complaints from motorists or residents.
- e. **Less-Than-Lethal Weaponry** such as Tasers and Pepper Spray; training and equipment
 - i. Equipment:
 1. Oleoresin Capsicum (OC) or Pepper Spray
 2. Baton
 3. Taser
 - ii. Training: Additional Training to begin in 2021
 1. De-escalation training to begin annually as it has been stated in this reform policy
 2. Reality Based training (which includes scenarios of less lethal and de-escalation options)
 3. FATS training simulator use when available at the police academy
 4. Defensive tactics review/training new in 2021. All department members will receive this training annually.
 5. Annual Taser, Baton and OC spray will be conducted during the spring firearms requalification.
 6. Any new strategies for officers to encounter individuals with the last resort to be hands on approach.

VII. Law Enforcement Strategies to Reduce Racial Disparities and Build Trust

- a. **Using Summonses Rather than Warrantless Arrests for Specified Offenses**
 - i. The use of summonses as opposed to executing a summary arrest is generally governed by THPD policies:
 1. Based on a particular crime and when the THPD officer is not the victim/complainant.
 - a. In contrast to full custodial arrest, citation/summons allows the officer to release the individual without the need for transport to the station, formal booking, fingerprinting and pretrial release decisions.
 - b. A written policy which should be created to allow such an event to occur. It should be noted that in 2020 there was only 26 arrest and most were for VTL offenses.

- c. Under the new Bail Reform statute, all offenders accused of non-violent felonies and misdemeanors must be released on their own recognizance and strong consideration must be had for release from the station with an Appearance Ticket to appear in Court.
- b. Diversion Programs are offered and supervised by the courts in Orange County. This department is one of six department that is working with *Hope not Handcuffs* and the Orange County District Attorney's Office in a diversion program for low level misdemeanor controlled substance arrests.
- c. The THPD will train officers on implicit bias, with a goal of treating all constituents fairly and equally under the law.

i. Partnerships with other police departments

- 1. The THPD partners with other departments via mutual aid since the department borders other communities.
 - 2. The THPD can, when requested provide services outside the gates of the US Military Academy during certain functions or events.
 - 3. The THPD Chief attends a regular COMPSTAT meeting with leaders in the Military Police.
 - 4. The THPD does provide mutual aid due to an increase of accidents on State Highway 9w, allowing officers to coordinate road closures and relay weather conditions.
 - 5. The THPD and the Village of Highland Falls PD work closely and request aid from each other as needed.
 - 6. The THPD also interacts with officers of the New York State Park Police for traffic related calls as well as other calls they need assistance with.
- ii. De-Escalation Strategies will be conducted after a review of the training committee members for an annual curriculum.
- iii. All officers were introduced to de-escalation strategies when trained in the police academy as part of their Use of Force curriculum.
- iv. All officers are trained annually in their Use of Force as outlined by the New York State Penal Law, Article 35, as well as the THPD Use of Force General Order and policy. This training takes place at the two range sessions both spring and fall.
- v. The following is noted: In 2014 the police academy and OC Mental Health partnered with local law enforcement to provide Crisis Intervention Training (CIT) as part of the New York State Office of Mental Health and the New York State Department of Criminal Justice Services (DCJS) Mental Health Criminal Justice Initiative. As part of the CIT rollout, all police departments participating are required to complete and submit a report to the Local Government Unit (LGU), National Alliance for Mental Illness (NAMI), Mobile Mental Health and Independent Living, Inc. within 24 hours of responding to an "emotionally disturbed person" as defined by law enforcement. The THPD will begin to submit as well in 2021 and will have a CIT officer as the liaison.
- vi. Orange County currently provides a Mobile Mental Health response 24 hours per day, seven days per week, and 365 days per year.
- vii. The THPD will also provide de-escalation training and annual in-service training as stated above in section VI 4 e ii.

d. There is no Investigations Division at the THPD but each and every member is charged with the duty to effectively identify, investigate and forward founded Hate Crimes for prosecution.

- i. The THPD is committed to the investigation of any reported hate crime. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. This agency shall employ necessary resources to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.
 - ii. The THPD does not have active criminal investigators but shall do the following when presented with a hate crime. Patrol member(s) will notify the Chief and Deputy Chef who will respond to the scene or the station. Any report of a potential hate crime will dictate an on scene response.
 - iii. The THPD Chief will notify the local barracks of the NYSP for assistance and if necessary defer the case over to them. If the case is deferred the patrol officers will still need to be vigilant to the area or persons affected by this type of crime.
 - iv. The department can utilize the Hudson Valley Crime Analysis Center. The staff investigators can access, analyze and develop intelligence indicating patterns and organized hate groups and suspects potentially involved in the offense.
 - v. If the THPD does stay involved in the case, department members or the administration will keep in touch with the Orange County District Attorney's Office and whatever agency handles the case.

- vi. The THPD, when needed will contact the Hudson Valley Office of the F.B.I. for assistance.

VIII. Community Engagement

a. Fostering Community-Oriented Leadership, Culture and Accountability

- i. Present personnel appointment are Civil Service Positions and Non-Civil Service Positions:

Civil Service Positions:

- a. When a vacancy exists within the department, which requires the appointment of a member to a civil service rank, the Town will do the following: (This will be for Chief and Deputy Chief)
 - i. request the civil service commission to provide the Town with a certified eligibility list of candidates,
 - ii. make an appointment from an existing eligibility list of candidates
 - iii. request a new test to provide him with a new eligibility list if none exists.
- b. Oral interviews may be given to eligible candidates conducted by the Town Supervisor and Town Board membership..
- c. The Board members in attendance shall determine the most qualified candidate and make said appointment.
- d. The appointed employee shall have a probationary term in accordance with Civil Service standards.

2. Non-Civil Service Positions:

The only positions within the THPD that are considered non civil service are the department secretary and the crossing guard for the purpose of test taking. Both positions are advertised locally for appointment. All candidates need to meet County Human Resource requirements

3. Supervisor Evaluations will be conducted in the future to review the performance areas of members of the THPD.

- a. Currently there is no evaluations being conducted, but moving forward an annual evaluation will be performed on all officers of the department.
- b. Criteria will follow and will address necessary issues such as attendance, productivity appearance, just to name a few.
- c. In fairness to all department employees a committee will be created to prepare a proper evaluation criteria.

4.

The Duty to Intervene is also addressed in the Use of Force Policy as follows:

- i. Any THPD officer present and observing another officer using force that they reasonably believes to be clearly beyond that which is objectively reasonable shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
- ii. A THPD officer who observes another officer use force that exceeds the degree of force as outlined in this General Order shall promptly report these observations to the Duty Chief without delay.
- iii. A THPD officer shall not use any more of these techniques, or combination of techniques than is required to gain compliance to effect an arrest.
- iv. Note: The THPD does not teach or justify the use of any restraints used for the purpose of physical control which applies pressure to the throat or windpipe of a person in a manner that is intended to hinder breathing or reduce the intake of air.
- v. The use of any choke holds or similar techniques which may hinder or reduce the intake of air should only be employed at the level where deadly physical force is justified.

b. Tracking and Reviewing Use of Force and Identifying Misconduct

i. Use of Force Reporting

- 1. The THPD General Orders will be updated and require that all use of force incidents be reported by the officer to the Chief or Deputy Chief depending of who is on call. Currently the form is filed for approval but future notification will occur when the situations occurs.
- 2. No matter who receives the reported incident, the Chief will converse with the Deputy Chief about the incident. The incident relayed could dictate a response by either or both of them.

ii. Review of Use of Force

- 1. All uses of force must be reported, even those that do not result in injury.

2. The review process determines whether the employee followed established Policy and Procedure or used excessive force in the performance of their duties.
3. So that all use of force reports are evaluated fairly, the THPD will begin to have a committee which will include the Chief, Deputy Chief, firearms officer and the defensive tactics officer together to evaluate the report.
4. If the use of force utilized is determined to be consistent with the established Policy and Procedures the use of force is determined to be "Justified and Appropriate".
5. In those cases where the use of force is determined to be inconsistent with the established Policy and Procedure an internal investigation is conducted to determine the level of misconduct and the appropriate discipline that is warranted by the facts of the case.
6. If discipline must be imposed it also must be consistent with the terms of a collective bargaining agreement wherein employees have the right to appeal their discipline to neutral arbitration.
7. In cases where a serious disciplinary outcome is imposed the Chief will notify the Town Board and Town Attorney for a review.
8. Discipline can range from a written reprimand to separation from service.
9. In such cases a referral could be made to the Orange County District Attorney's Office.

iii. Independent Review of Use of Force or Misconduct

1. Misconduct cases within the department will be addressed by the Chief and Deputy Chief as they are the only members of supervisory rank.
In cases of misconduct the THPD practices progressive discipline.
 - i. Progressive discipline is a process where minor misconduct is addressed through re-training and steadily increasing discipline for repeated misconduct. Of course, dependent of the severity of the misconduct (untruthfulness and other serious violations) the misconduct could result in immediate serious discipline without following the track of progressive discipline. Discipline can range from written reprimand up to separation from service.
 - ii. Discipline is governed by contractual agreement with the collective bargaining agencies that represent the employees. At the last step any dispute related to discipline can end in neutral arbitration.
 - iii. The THPD believes that discipline should be applied both as a training tool and as a disciplinary tool to better the department and the community.
2. Misconduct which rises to the level of potential criminal conduct.
 - a. Any cases of misconduct that are of potential criminal conduct will be reported to the Orange County District Attorney's Office.
 - b. In cases involving the use of deadly physical force that results in serious physical injury and/or death of an employee or another person, the THPD will follow the protocol for reporting such incidents to the Orange County District Attorney's Office, the New York State Attorney General's Office and could result in assistance from the New York State Police.

i. THPD Personnel Early Warning System

- a. The THPD has a responsibility to its employees and the community to identify and assist employees that demonstrate symptoms of job stress and performance problems. The department has no staff on hand to perform around the clock supervisory functions which could reveal such problems by seeing them first hand.
- b. The following areas are of concern when we receive any indicators of police related stress or anything that can contribute to negative police interaction with our community. Some of these indicators are:
 - i. Disciplinary Problems
 - ii. Internal Affairs Complaints
 - iii. Civil Litigation
 - iv. Vehicle accidents involving agency vehicles
 - v. Negative performance evaluations
 - vi. Civilian complaints
 - vii. Excessive sick leave usage
 - viii. Worker's Compensation claims
 - ix. Adverse or extreme personality changes
 - x. Use of force incidents
 - xi. Tardiness
 - xii. Unexcused Absences
 - xiii. Any personal situation outside the department that can cause a negative reaction by the officer while on duty as well as off duty.

- ii. A review of these indicators upon being presented will be completed by the Chief and the Deputy Police Chief. In some situations some of the above indicators can be corrected just by an intervention and providing the correct support to the officer involved.
- c. **Internal Accountability for Misconduct within the department**
 - i. Member misconduct reporting requirements at the Town of Highlands Police Department
 - 1. The THPD depends on members of the department to come forward when they have knowledge of the misconduct of a peer.
 - ii. Process for investigating reports of misconduct
 - 1. The General Order on Internal Affairs governs the investigative process for suspected misconduct by a member of the department.
 - 2. Certain substantiated and finalized misconduct is available to the public under New York Human Rights Law 50-A.
 - iii. Retraining as a result of substantiated complaints of misconduct and settlements or adverse verdicts in lawsuits to reduce the risk of future misconduct should be addressed at structured training or by posting cases of interest for department members to review. The *Lexipol* policy and human resources services recently purchased by the THPD will also address these current situations.
 - iv. Arbitration process in place to ensure impartiality when reviewing potential misconduct
 - v. Referral to the OCDA for prosecution where criminal misconduct is found as described above.
 - vi. The Off Duty conduct by officers of the THPD is governed by the Rules of Conduct policy.
- d. **Citizen Oversight and Other External Accountability**
 - i. Reporting Misconduct by a member of the Department
 - 1. The THPD will follow up on any reports by members of the department and hope that when an issue arises that the Chief and/or Deputy Chief are advised.
 - 2. All complaints, including anonymous complaints, shall be accepted in person, in writing, via e-mail or by telephone.
 - 3. The Chief and Deputy will have an obligation to investigate all reports and to proceed with an investigation.
 - 4. In certain cases the assistance of an outside law enforcement agency could be required.
 - ii. **Investigation Outcomes as required.**
 - 1. Prior to the repeal of New York Human Rights Law section 50-a, the outcome of any investigation was not communicated as such communication was prohibited by statute.
 - 2. Since the repeal of 50-a, to the extent the Public Officer's Law allows, such information is communicated to the public by request.
 - 3. All those who make a complaint will receive acknowledgment that the complaint was received and it will also be advised when it is completed.
 - 4. Certain investigation strategies are covered under the collective bargaining agreement and advice will be sought from the town attorney.
 - iii. **Oversight of the Town of Highlands Police officers would be brought to the attention of:**
 - 1. Police Chief
 - 2. Deputy Police chief
 - 3. Police Commissioners (Town Board) as appointed by the Town Supervisor
 - iv. **Community Comment Which Tracks the Level of Trust in the THPD**
 - 1. The Town of Highlands Police Department will begin to hold scheduled community meetings starting in 2021 and moving forward.
 - 2. The THPD will schedule the meetings and meet with groups at their request or at the request of the THPD.
 - 3. The THPD will also place the e-mail of the Chief of Police and Deputy Chief of Police on the town website for communication purposes.
 - 4. As stated above a writable form is on the town web site to report complaint/compliment of a member of the police department.
 - 5. The THPD Chief and Deputy Chief along with the area stakeholders and interested officers will interact with the public more.
 - 6. In the past the Chief and the Deputy Police Chief have attended community functions to interact with the community and surrounding communities. This will continue.
 - 7. The Chief and Deputy Chief will visit church groups and church services to become more involved. This will be church groups in this community and those in neighboring communities where town residents might gather.
 - 8. The THPD will begin to utilize a social media presence and alert subscribers to what is occurring in the department. Suggestions have been to use *Facebook* and *Instagram*.
 - 9. As this process moves forward it is possible that a town wide survey could be used in the future.
 - 10. In the creation of EO203 the public was invited to make comments/suggestion via e-mail. In addition meetings three and four were open to public opinion, comments and suggestion.

e. Data, Technology and Transparency

- i. Incident data is reported out by the Division of Criminal Justice Services and is publicly available
- ii. Data driven policing strategies
 1. The THPD is currently re-examining the ability to update traffic stops to include the race of the motorist.
 2. The THPD is currently re-examining requiring officers who have contact with individuals to make sure their race is noted for gathering “stop data”.
 3. This future policy needs to be approved so that officers are polite in their deliverance of these sensitive questions and advise the individuals why this information is being requested.
- iii. **Policies are presently available by FOIL request for certain situations if approved.**
 1. The THPD does not by practice publish its Policies and Procedures or General Orders for public review.
 2. The THPD Use of Force policy will be made available on the town website for review.
- iv. **Body Worn Cameras/Dash Cams**
 1. The THPD currently does not have dash cameras in any patrol vehicle. There is no plan going forward that dash cams will be part of the department equipment and installed. The cost and storage would not dictate installation.
 2. The THPD is currently researching the use of body cameras by all members of the department. It is expected that a proposal will be forthcoming to the Town Board from the Chief and Deputy Chief.
 3. The THPD expects in the near future to outfit the department members in body cameras. The time frame and cost will be an issue going forward but it is a plan that has support from the Chief of Police and will be subject to collective bargaining.

IX. Recruiting and Supporting Excellent Personnel

a. THPD efforts to recruit a Diverse Workforce

- i. An Agency reflective of the diversity of the community it serves
 1. The THPD is committed to hire police officers who are reflective of the community as well as the surrounding communities.
 2. The THPD is a part time department and except for the Chief and Deputy Chief does not utilize the county civil service list.
 3. Part time officers who seek a position are asked to submit a county employment application as well as a resume.
 4. When a vacancy becomes available the department does seek applicants through those resumes and applications on file.
 5. To reflect the community as a whole, the department in the future will advertise the possibility of an opening and be guided by the hiring process as it is outlined.
 6. The County Civil Service process as well as the requirements of the county has to be followed as the Town of Highlands cannot eliminate the standards set forth by the county.
 7. Since the department is a part time department usually candidates come already certified or seek a position for the Phase II certification. Candidates pay the entire cost themselves.
 8. The candidates who are interested in a position who are already certified or those who seek a Phase II certification are also interviewed by the Town Board members.
 9. The THPD is diverse for the size of its police force.

ii. What can the department do to better to re-evaluate hiring practices?

1. As previously mentioned the department follows the county Civil Service guidelines.
2. The department has only two civil service positions above patrol which are the Chief and the Deputy Police Chief.
3. The department will continue to make efforts in its recruitment and hiring when a position become available as previously outlined.
4. Advertising in the local paper and utilizing the town Facebook page will be a source of recruitment from the community for those who are already certified police officers and who might want to be employed by the THPD.
5. Recognizing local certified police officers to fill the ranks from the community will be given consideration in the hiring process.

b. Training and Continuing Education

- i. The Town of Highlands Police Department requires that all officers receive two separate sessions of firearms training. This being spring and fall sessions. During that time there is also a review of the department *Use of Force* policy and *Article 35*.
 1. Training sessions via web based training are also conducted where officers must complete their training in Sexual Harassment, Hazardous Communications, Defensive Driving, Blood borne Pathogens, and Workplace Violence

2. Officers and staff have also received their training in Procedural Justice and Implicit Bias. The THPD will continue to send officers to any additional classes that are related to these subjects.
3. The THPD has created a training committee to discuss additional training for officers that will affect their interaction within the community and bolster their knowledge. This will allow them to become more proficient in their assignment. The committee will meet quarterly.
4. Input from officer's regarding training will be sought. And if possible based on costs and schedules the requested training will be evaluated for possible attendance.
5. The THPD has entered into a contract with *Lexipol* for an upgraded review of the department General Orders as well as to supply continual web based and tracked training for all members on a consistent basis.
6. The THPD will grant additional training hours for officers in the department which will center on defensive tactics, verbal judo, crisis intervention, mental health first aid, defensive tactics and any training that supports positive public interaction. It should be noted that some of these courses might require a fee and the process will start this year and continue through the upcoming years.

Below is a listing of some of the police academy training officers receive in the basic course for Police. Police Academy Training as outlined in the Basic Course for police

- i. Ethics and Professionalism – 8 hours
 - ii. Police Discretionary Powers – 2.5 hours
 - iii. Procedural Justice – 2 hours
 - iv. Interview and Interrogation – 5 hours
 - v. Persons with Disabilities – 6 hours
 - vi. Cultural Diversity, Bias Related Incidents, Sexual Harassment – 5 hours
 - vii. Eyewitness identification – 2.5 hours
 - viii. Decision Making – 8 hours
 - ix. Fundamental Crisis Intervention Skills for Law Enforcement – 48 hours
 - x. Professional Communications – 8 hours
 - xi. Community Resources – Victim and Witness Services – 3 hours
 - xii. Community oriented policing and problem solving – 2 hours
 - b. THPD Training as outlined above
 - i. As stated above the THPD will continue to enhance the skills of the officers.
 - ii. Training is mentioned in various areas within this plan and will be a focus for a structured learning environment and uniform to all members of the department.
- 7. Training specifically geared toward less lethal use of force techniques**
- a. Police Academy Training
 - i. The Laws which govern the use of physical force and deadly physical force – 11 hours
 - ii. Civil liability and risk management – 2 hours
 - iii. Defensive Tactics – 71 hours
 - iv. The Nature and Control of Civil Disorder – 3 hours
 - v. Aerosol Subject Restraint – 6 hours (Most academies conduct this training)

THPD Training in this area.
 - b. New York State Penal Law Section 35 Use of force (At range qualifications)
 - i. Article 35 is covered annually for all sworn members of the THPD. This training covers agency policy and procedure on the use of force, NYS Article 35. Any legal updates pertaining to use of force are also covered during this annual training. This is presented by the firearms instructor who is also a DCJS General Topics instructor.
 - ii. The training committee will evaluate more effective ways to address the needs of the THPD.
- 8. Training regarding response to non-criminal matters:**
- a. Police Academy Training
 - i. Mental Illness
 - ii. Professional traffic stops
 - iii. Community Resources – Victim and witness services
 - iv. Missing and children and adults
 - v. Emergency medical services (basic)
 - b. THPD Training
 - i. Medical Training (4 hours Bi-Annually): Medical Training is given to all members bi-annually. During this training we cover Basic First Aid, CPR/AED, and Naloxone Training from the American Safety and Health Institute taught by Certified Instructor of the THPD

- ii. Members of the THPD can also receive this training from other organizations but must produce proof that they are certified
- iii. The THPD, based on availability would like interested members to attend the Mental First Aid Course (8 hours)

c. Support Officer Wellness and Well-being

- i. Police Academy Training – 16 hours
- ii. Wellness and well-being within the THPD
 - 1. Physical Health
 - a. The THPD does not have any wellness incentive plan for officers. All officers are expected to be in good health.
 - b. Classroom training will be added either in person or virtually as an in service on ways for officers to maintain good health.
 - 2. Mental Health
 - a. Police Academy Training – Police Officer Suicide Seminar – 3 hours
 - b. Mental Health Training- was 14 hours and now is 20 hours
 - c. As stated the THPD is committed to work with Orange County Mental Health in ways to deal with the public. Within the same working relationship the THPD will seek some guidance in training for officers who might encounter an issue.
 - d. Counseling
 - i. If an issue is brought to the attention of the Chief or Deputy Chief then it will be investigated fully. A previously mentioned, indicators could allow either party to be aware of a problem just by a poor performance indicator.
 - ii. Any situations would be reported to the Town Board for any additional treatment
 - e. Sleep deprivation
 - i. The THPD has both Policies and Contractual provisions with its collective bargaining agency to ensure that employees are not over-scheduled or exposed to sleep deprivation.
 - ii. Currently patrol officers cannot work more than 12 hours except in emergency situations where an officer might be ordered to stay.
 - iii. Police department policy doesn't allow an officer to be employed by more than two departments.
 - iv. There is no *triple tinning*, whereby as a part time officer that individual could work for three departments which could cause a "triple" with no break for the officer.
 - f. Substance abuse as dictated by the collective bargaining agreement.
 - g. Addressing post critical incidents and traumatic events
 - i. The THPD would rely on individuals to come forward for assistance if there is no outward sign of distress.
 - ii. In all situations deemed traumatic, no matter how small or large the Chief or Deputy Chief would interview the officer to see if they require assistance and to show support.
 - iii. In any situation where an officer seeks assistance or mentions the possibility of assistance the department will assist them.
 - iv. Follow up consultation may be offered and, if so, encouraged.
 - v. Consultation with outside agencies should be sought.